

**FEB 9 1987**

CERTIFIED MAIL--  
RETURN RECEIPT REQUESTED

Honorable Thomas B. Yost  
Administrative Law Judge  
U.S. Environmental Protection Agency  
345 Courtland Street  
Atlanta, Georgia 30365

Re: In the Matter of New York Institute of Technology  
Docket No. II TSCA-PCB-86-0241

Dear Judge Yost:

As reported in the January 7, 1987 status report on this case, EPA met with Respondent on January 20, 1987 to discuss the pending enforcement action. Respondent presented several proposals to enhance regulatory compliance efforts and reduce the long term regulatory requirements for this educational facility. In addition, Respondent orally presented an argument, based upon financial hardship, to support its concerns with regard to the proposed penalty in settlement of this matter. By letter dated February 2, 1987, Respondent submitted a financial statement for EPA's review and consideration.

EPA will be reviewing this document and contacting Respondent during the next thirty days to discuss various settlement options. At this point these negotiations are proceeding in a productive manner and EPA recommends a continuance to allow the parties to work toward a resolution of remaining issues.

Thank you for your careful consideration of this status report.

Respectfully submitted,

Stuart R. Deane  
Assistant Regional Counsel  
Waste & Toxic Substances Branch  
Office of Regional Counsel

cc: Irving Like, Esq.  
Reilly, Like and Schneider

Nereida Sotomayor  
Regional Hearing Clerk

bcc: Michael Bious, 2ES-PTS  
Donald Duane, 2ES-PTS

*Mike / file*

EXPRESS MAIL--

Honorable Thomas B. Yost  
Administrative Law Judge  
U.S. Environmental Protection Agency  
345 Courtland Street  
Atlanta, Georgia 30365

Re: In the Matter of New York Institute of Technology  
Docket No. II TSCA-PCB-86-0241

Dear Judge Yost:

Please be advised that EPA has completed its review of the financial statement submitted on behalf of the Respondent, New York Institute of Technology. After reviewing the financial statement and other relevant factors presented by Respondent as a part of settlement discussions, EPA has prepared a settlement offer for Respondent's consideration. During the next two weeks EPA anticipates working with Respondent on a final settlement of this matter. The settlement will be memorialized in a Consent Agreement and Final Order. A fully executed copy of that document will be filed in accordance with the rules of practice.

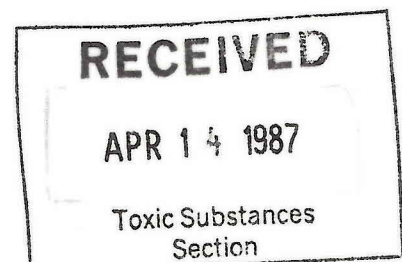
Respectfully submitted,

Stuart R. Deans  
Assistant Regional Counsel  
Waste & Toxic Substances Branch  
Office of Regional Counsel

cc: Nereida Sotomayor  
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1/20/87 N.Y. Inst. of Tech.  
Informal Conference

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